

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
W/S Andrews Court, 63 ft. \* ZONING COMMISSIONER  
N of c/l Windtree Valley Rd. \*  
22 Andrews Court \*  
7th Election District \* OF BALTIMORE COUNTY  
3rd Councilmanic District \* Case No. 92-100-A  
Joseph Wesolowski \*  
Petitioner \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 35 ft. in lieu of the required 50 ft., as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner, Joseph Wesolowski, by Newton A. Williams, Esquire, appeared and testified. Also appearing and testifying on behalf of the Petition was Richard L. Smith, an engineer from K.C.I. Technologies, Inc., and Kirk Pfaff, a representative of the builder who is constructing the dwelling on this site. There were no Protestants.

Testimony indicated that the subject site is 1.1084 acres in size and is zoned R.C.5. The property abuts Andrews Court and is rectangular in shape. From front to rear, the property gently tapers so as to be wider at its frontage on Andrews Court.

Further testimony established that the Petitioner retained Mr. Pfaff's company to construct a house on the lot. Mr. Pfaff incorrectly believed that the side yard setbacks were 25 ft. rather than the required 50 ft. Based upon this incorrect assumption, the house was placed and oriented on the lot so as to result in a side yard setback on the south side of the lot of 35 ft., in lieu of the required 50 ft. Thus, the Petition for zoning variance was filed.

Mr. Richard L. Smith testified that significant practical difficulty and unreasonable hardship would result if the variance was not granted. He noted that the house was substantially completed and the configuration of the lot was such so that the variance was necessary. He also commented on the existing community, noting that it features substantial homes which are all located on large lots. As to the subject property, he opined that the variance, if granted, would have no adverse affect upon the neighboring properties and community. Further, as indicated above, there were no Protestants.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1971). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App.

28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

ORDER RECEIVED FOR FILING  
DATE 10/23/91  
BY [Signature]

-2-

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variance was not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22<sup>nd</sup> day of Oct, 1991 that a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 35 ft. in lieu of the required 50 ft. in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this order has expired. If, for whatever reason, this order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES/mnn  
cc: Peoples Counsel

ORDER RECEIVED FOR FILING  
DATE 10/23/91  
BY [Signature]

-3-

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

October 23, 1991

Newton A. Williams, Esquire  
Nolan, Plumbhoff and Williams, Chartered  
Suite 700, Court Towers  
210 West Pennsylvania Avenue  
Towson, Maryland 21204

RE: Petition for Zoning Variance  
Joseph Wesolowski, Petitioner  
Case No. 92-100-A

Dear Mr. Williams:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

[Signature]  
Lawrence E. Schmidt  
Zoning Commissioner

LES:mnn  
encl.  
cc: Peoples Counsel  
cc: Petitioner

PETITION FOR ZONING VARIANCE #102  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 92-100-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A04.3 B.3 to permit a side yard of thirty-five (35) feet in lieu of the required fifty (50) feet.

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty)
1. The subject lot at 22 Andrews Court is rather narrow and the building envelope is long and narrow and difficult to utilize.
  2. That due to errors, an attractive home has been built on the subject property, which intrudes to some extent into the required side yard on the south side.
  3. That the error was not discovered until the house was under roof, and it would be very costly and burdensome to move the house.
  4. That the requested variance is in harmony with the spirit and intent of the Regulations and will not be harmful to the health, safety and welfare of the area involved.

Property is to be posted and advertised as prescribed by Zoning Regulations

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I We do solemnly declare and affirm, under the penalties of perjury, that I we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Joseph Wesolowski
Signature	[Signature]
Address	(Type or Print Name)
City and State	Signature
Attorney for Petitioner:	3515 Parkfalls Drive
Newton A. Williams, Esquire	Address
Nolan, Plumbhoff & Williams, Chartered	Baltimore, MD 21236
(Type or Print Name)	City and State
Signature	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Suite 700, Court Towers	Newton A. Williams, Esquire
210 West Pennsylvania Avenue	Name Suite 700, 210 W. Pennsylvania Ave.
Address	Towson, MD 21204 (301) 823-7800
Towson, MD 21204	Address
City and State	Phone No.
Attorney's Telephone No.: (301) 823-7800	

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

Zoning Commissioner of Baltimore County.

(over)



DEED DESCRIPTION  
22 ANDREWS COURT  
LOT 16 WINDTREE VALLEY  
7TH ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the westerly right of way of Andrews Court, 50 feet wide, said point being the southeasterly corner of Lot 16 as shown on a plat entitled "Plat of Windtree Valley" and recorded among the Plat Records of Baltimore County, Maryland in Plat Book 60 at Folio 4, said point being distant approximately 63 feet from the centerline of Windtree Valley Road extended; thence leaving said right of way line and binding on the line of division between Lots 16 and 17 as shown on said plat, with meridian reference to the Baltimore County Metropolitan District Grid

- (1) North 82 degrees 02 minutes 55 seconds West 280.40 feet to the corner of Lots 16, 17 and 18; thence binding on the line of division between Lots 16 and 18
- (2) North 02 degrees 32 minutes 55 seconds West 155.00 feet to intersect the southerly line of Lot 15; thence binding on said property line
- (3) South 88 degrees 32 minutes 55 seconds East 280.64 feet to intersect said westerly right of way line of Andrews Court; thence binding on said right of way line
- (4) South 06 degrees 18 minutes 08 seconds East 45.50 feet; thence



Deed Description  
Lot 16 Windtree Valley  
August 22, 1991  
Page No. 2

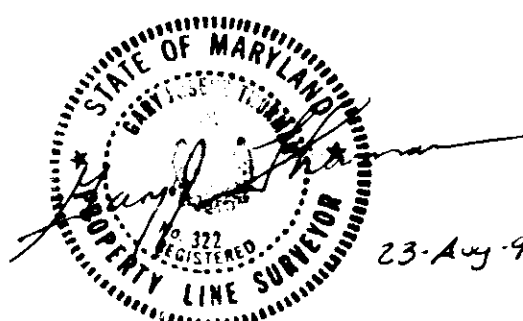
(5) Southwesterly, by a curve to the right, having a radius of 606.71 feet and an arc length of 141.62 feet; said curve having a chord bearing South 0 degrees 23 minutes 06 seconds West 141.30 feet to the point of beginning.

CONTAINING 48,282 square feet or 1.108 acres of land more or less.

BEING all of the same tract of land designated as Lot 16 on a plat entitled "Plat of Windtree Valley" and recorded among the Plat Records of Baltimore County, Maryland in Plat Book 60 at Folio 4.

RSP/mry

KCI Job Order No. 01-88070JP August 22, 1991  
Work Order No. 70673C



NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 West Chesapeake Avenue in Towson, Maryland 21204 on Friday:  
Case Number: 92-100-A  
W/S Andrews Court, 63 ft. N of c/l Windtree Valley Road  
22 Andrews Court  
7th Election District  
3rd Councilmanic District  
Petitioner(s): Joseph Wesolowski  
Hearing Date: Tuesday, Oct 22, 1991 at 11:00 a.m.  
Variance to permit a side yard of 35 ft. in lieu of the required 50 ft.  
Zoning Commissioner of Baltimore County  
TJL/RSD, September 26, 1991

CERTIFICATE OF PUBLICATION

TOWSON, MD. 10/23, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/26, 1991.

THE JEFFERSONIAN.

[Signature]  
Publisher

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 West Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 92-100-A  
W/S Andrews Court, 63' W of c/l Windtree Valley Road  
22 Andrews Court  
7th Election District - 3rd Councilmanic  
Petitioner(s): Joseph Wesolowski  
Hearing Date: Tuesday, Oct. 22, 1991 at 11:00 a.m.  
Violators: Joseph Wesolowski  
at 35 ft. in lieu of the required 50 ft.  
TJW/204  
September 26, 1991

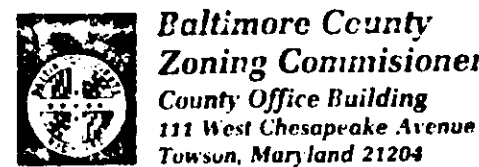
CERTIFICATE OF PUBLICATION

TOWSON, MD. 10/22/91

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on 10/24/91.

TOWSON TIMES,

S. Zeke Orlowski  
Publisher



Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date: 8/26/91

Account: R 001.6150  
Number

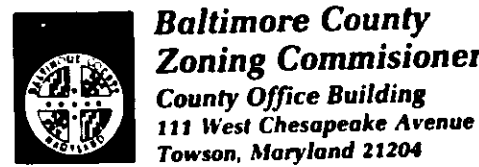
Fee for Zoning Variance (ZVL) - \$35.00  
Owner: Wesolowski, Joseph  
7th E.D.

ORDER RECEIVED FOR FILING

Date: 8/26/91  
By: [Signature]

\$35.00

Please Make Check Payable To: Baltimore County  
EA 0113:094M08-26-91



Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date:

8/27/91

Account: R 001.6150  
Number: H9200102

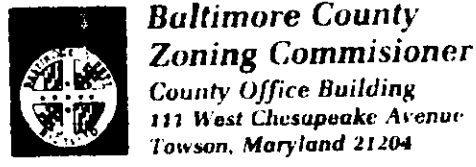
	QTY	PRICE
PUBLIC HEARING FEES		
010 -ZONING VARIANCE (ZVL)	1 X	\$35.00
TOTAL:		\$35.00

LAST NAME OF OWNER: WESOLOWSKI

*Paid per hand-written receipt dated 8/26/91*

Please Make Checks Payable To: Baltimore County

Cashier Validation



Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date: 8/22/91

Account: R 001.6150  
Number: H9200275

92-100

880 - P/P Fee - \$13.67  
7 - Wesolowski

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

COPY

Joseph Wesolowski  
3515 Parkfalls Drive  
Baltimore, Maryland 21236

RE:  
CASE NUMBER: 92-100-A  
W/S Andrews Court, 63' W of c/l Windtree Valley Road  
22 Andrews Court  
7th Election District - 3rd Councilmanic  
Petitioner(s): Joseph Wesolowski  
HEARING: TUESDAY, OCTOBER 22, 1991 at 11:00 a.m.

Dear Petitioner(s):

Please be advised that \$10.00 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

*Lawrence E. Schmidt*  
Lawrence E. Schmidt

ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

cc: Newton A. Williams, Esq.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

COPY

SEPTEMBER 13, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-100-A  
W/S Andrews Court, 63' W of c/l Windtree Valley Road  
22 Andrews Court  
7th Election District - 3rd Councilmanic  
Petitioner(s): Joseph Wesolowski  
HEARING: TUESDAY, OCTOBER 22, 1991 at 11:00 a.m.

Variance to permit a side yard of 35 ft. in lieu of the required 50 ft.

*J. Robert Hines*  
Zoning Commissioner of  
Baltimore County

cc: Joseph Wesolowski  
Newton A. Williams, Esq.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

October 8, 1991

Newton A. Williams, Esquire  
Nolan, Plumbhoff & Williams, Chtd  
Suite 700, Court Towers  
210 West Pennsylvania Avenue  
Towson, MD 21204

RE: Item No. 102, Case No. 92-100-A  
Petitioner: Joseph Wesolowski  
Petition for Zoning Variance

Dear Mr. Williams:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments  
Date: October 8, 1991  
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Joseph Wesolowski

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 26th day of August, 1991.

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:  
*James E. Dyer*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Joseph Wesolowski

Petitioner's Attorney: Newton A. Williams

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 13, 1991  
Zoning Administration and  
Development Management

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: HELBING Property, Item No. 53  
Smith Property, Item No. 64  
McClure Property, Item No. 65  
Boehnlein Property, Item No. 66  
Marx Property, Item No. 68  
Bule Property, Item No. 69  
Pulaski Property, Item No. 70  
Wollschlager Property, Item No. 72  
Bray Property, Item No. 74  
Graves Property, Item No. 75  
Sylvia Property, Item No. 76  
Long Property, Item No. 78  
Pearl Property, Item No. 79  
Casey Property, Item No. 80  
Edwards Property, Item No. 81  
Tyson Property, Item No. 85  
Skidmore Property, Item No. 88  
Williams Property, Item No. 89  
Restivo Property, Item No. 90  
Didier Property, Item No. 97  
Wesolowski Property, Item No. 102  
Griffin Property, Item No. 103  
Burgwin Property, Item No. 104  
Ghent Property, Item No. 110  
Lingg Property, Item No. 111  
Bates Property, Item No. 112  
Bond Property, Item No. 115

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

ITEM47/TXTROZ



Baltimore County Government  
Fire Department  
700 East Joppa Road, Suite 901  
Towson, MD 21204-5500  
(410) 887-4500  
SEPTEMBER 16, 1991

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: JOSEPH WESOLOWSKI  
Location: #22 ANDREWS COURT  
Item No.: 102 Zoning Agenda: SEPTEMBER 10, 1991

Gentlemen:  
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* Noted and Approved  
Special Inspection Division Fire Prevention Bureau

JF/ETK

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 24, 1991  
Zoning Administration and Development Management  
FROM: Robert W. Bowling, P.E.  
RE: Zoning Advisory Committee Meeting  
for September 10, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 81, 102, 103, 104, 110, 111, 112, 114, and 115. Also, we have no comments for Case No. R 91-119.

For Item 106, comments will be made at the County Review Group meeting.

For Item 108, the County Review Group comments remain in effect.

For Item 109, comments will be reserved until the County Review Group meeting.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., C.E.  
Developers Engineering Division

RWB:s

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND  
DATE: October 9, 1991  
TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management  
FROM: Rahee J. Famili  
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: September 10, 1991

There are no comments for item numbers 81, 102, 103, 104, 109, 110, 111, 112 and 115.

*Rahee J. Famili*  
Rahee J. Famili  
Traffic Engineer II

RJF/lvd

LAW OFFICES  
NOLAN, PLUMHOFF & WILLIAMS  
CHARTERED  
SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340  
(301) 823-7800  
TELEFAX (301) 286-2765  
JAMES D. NOLAN  
J. CARLE PLUMHOFF  
RALPH E. DEITZ  
WRITER'S DIRECT DIAL  
823 7856

August 30, 1991

The Honorable Arnold Jablon, Administrator  
Office of Zoning Administration and  
Development Management  
County Office Building  
Towson, MD 21204

RE: Request for Early Hearing  
The Wesolowski Property  
22 Andrews Court,  
Residential Side Yard Variance Filed  
August 26, 1991

Dear Mr. Jablon:

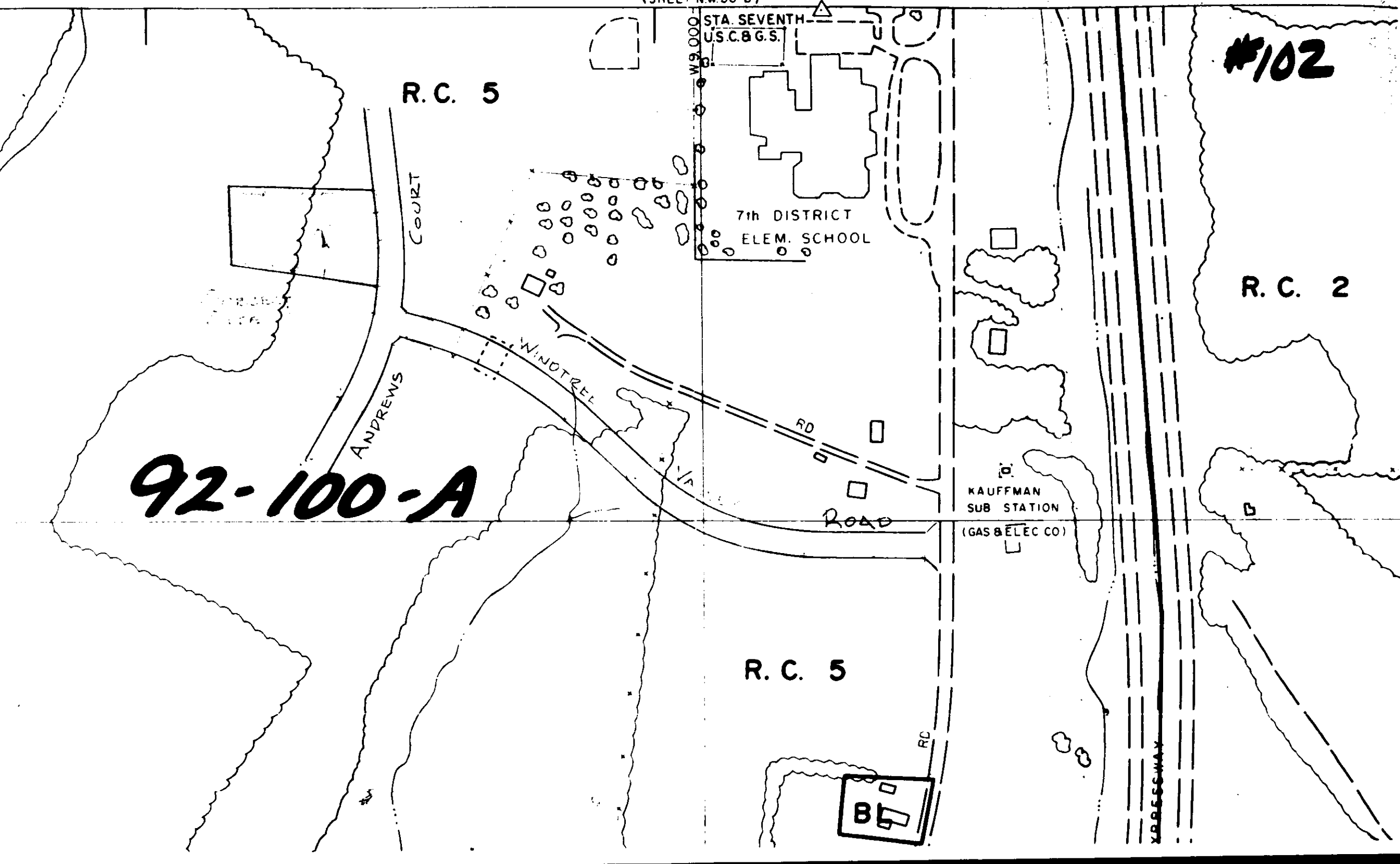
Our office is privileged to represent Mr. Joseph Wesolowski, the owner of the partially-improved lot at 22 Andrews Court, an RC5 property in the northern part of Baltimore County. We are also representing Mr. John Pfaff, the builder, who inadvertently located the dwelling improperly on the lot, with a partial side yard incursion on one side.

Of course the owner, the builder as well as Rosedale Federal, the construction financing party, are all anxious to attempt to resolve this matter.

Accordingly, we respectfully request an early hearing due to the special circumstances of the matter, and the need to resolve the matter and resume periodic payments and a normal relationship between the parties.

*Blutner's*  
SIGN-IN SHEET

NAME	ADDRESS
<i>Joseph Wesolowski</i>	<i>1426 Park Heights Ave #706 Sparks, Md 21152</i>
<i>K. H. Platt</i>	<i>2117 S. S. St. Baltimore, Md 21204</i>
<i>Richard L. Smith</i>	<i>K.C. Technologies, Inc. 1020 Greenwell Drive, Suite 21204</i>



September 25, 1991

To Whom It May Concern:

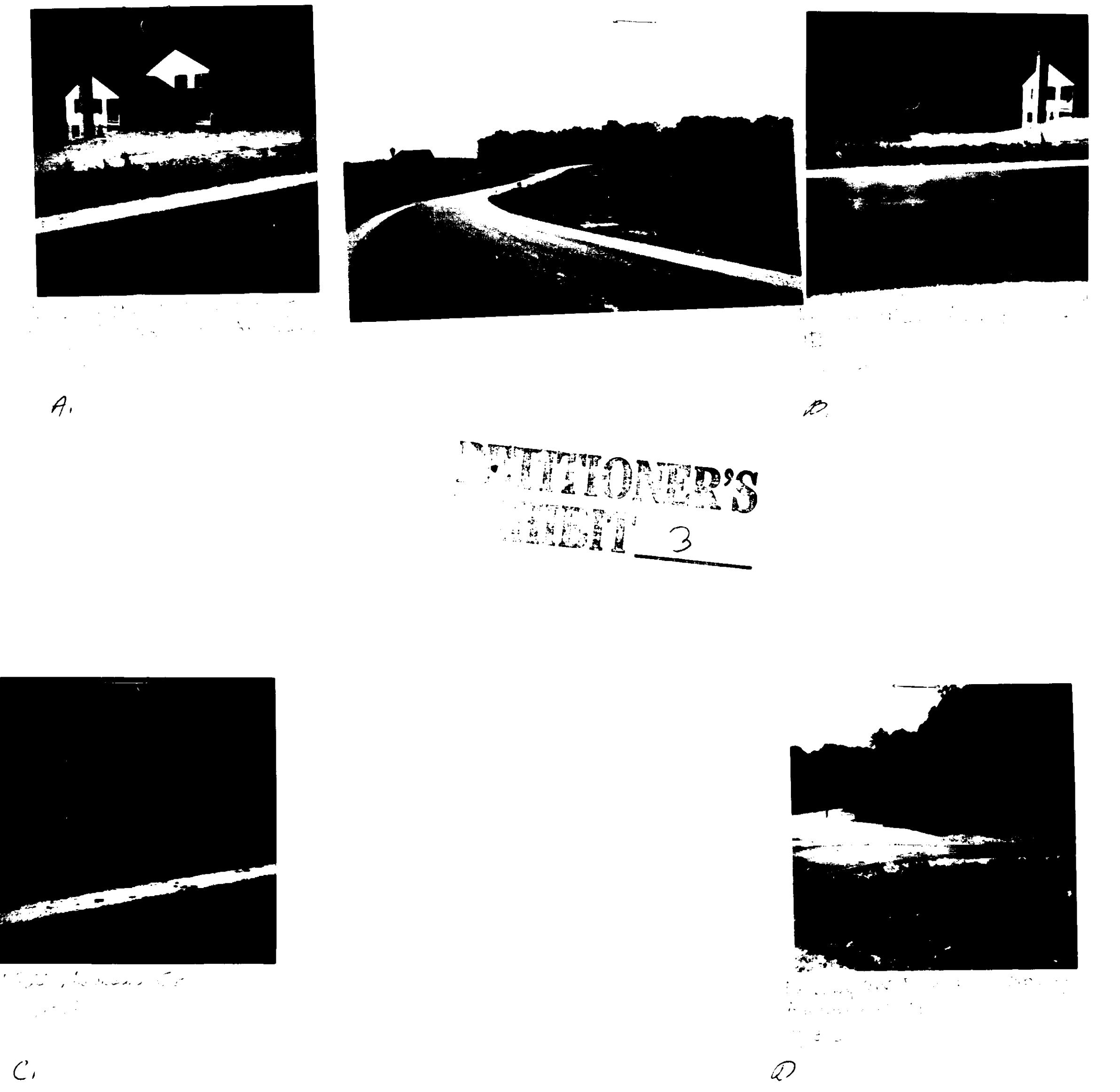
Initially, I'd like you to know that I have been building houses in Baltimore, Carroll, and Howard Counties for fifteen years. Never in that time have I had any discrepancies over side-line set-back footage on houses.

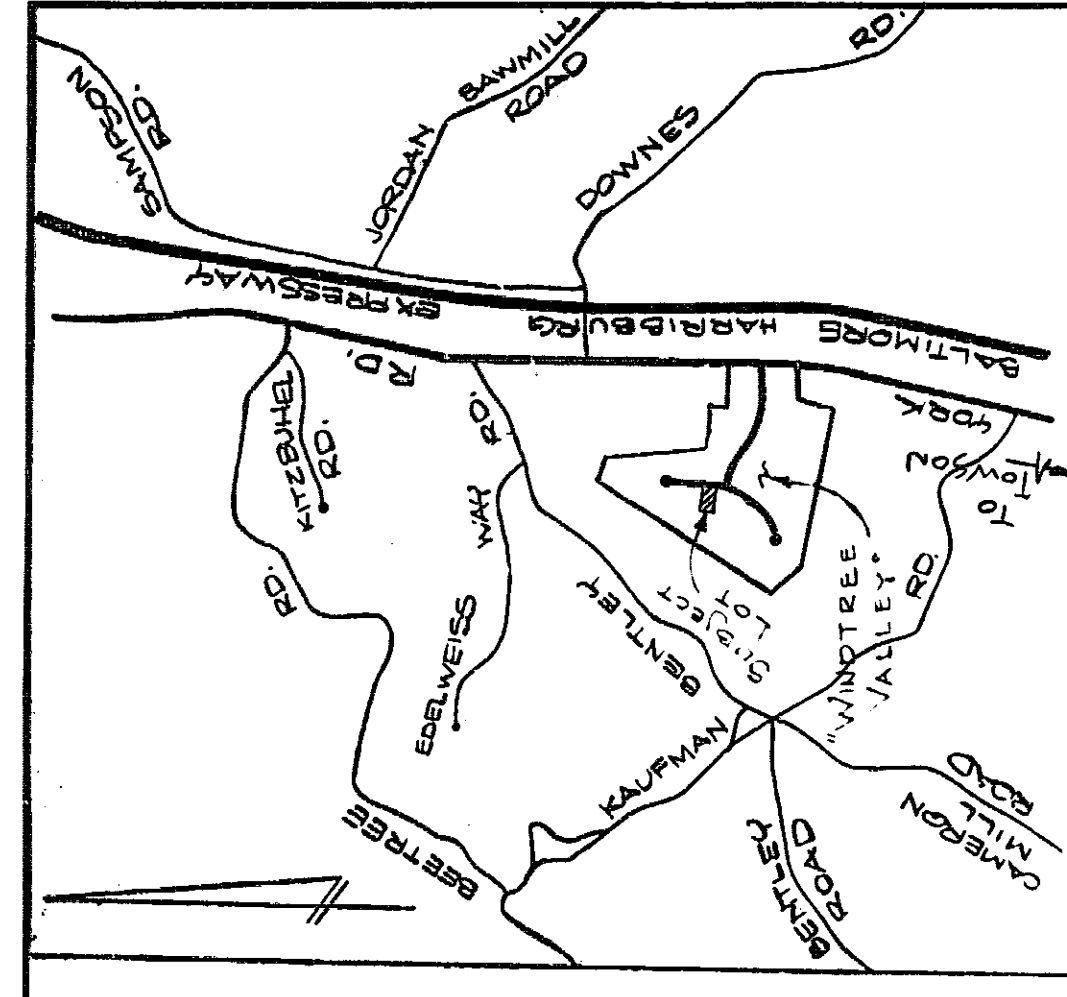
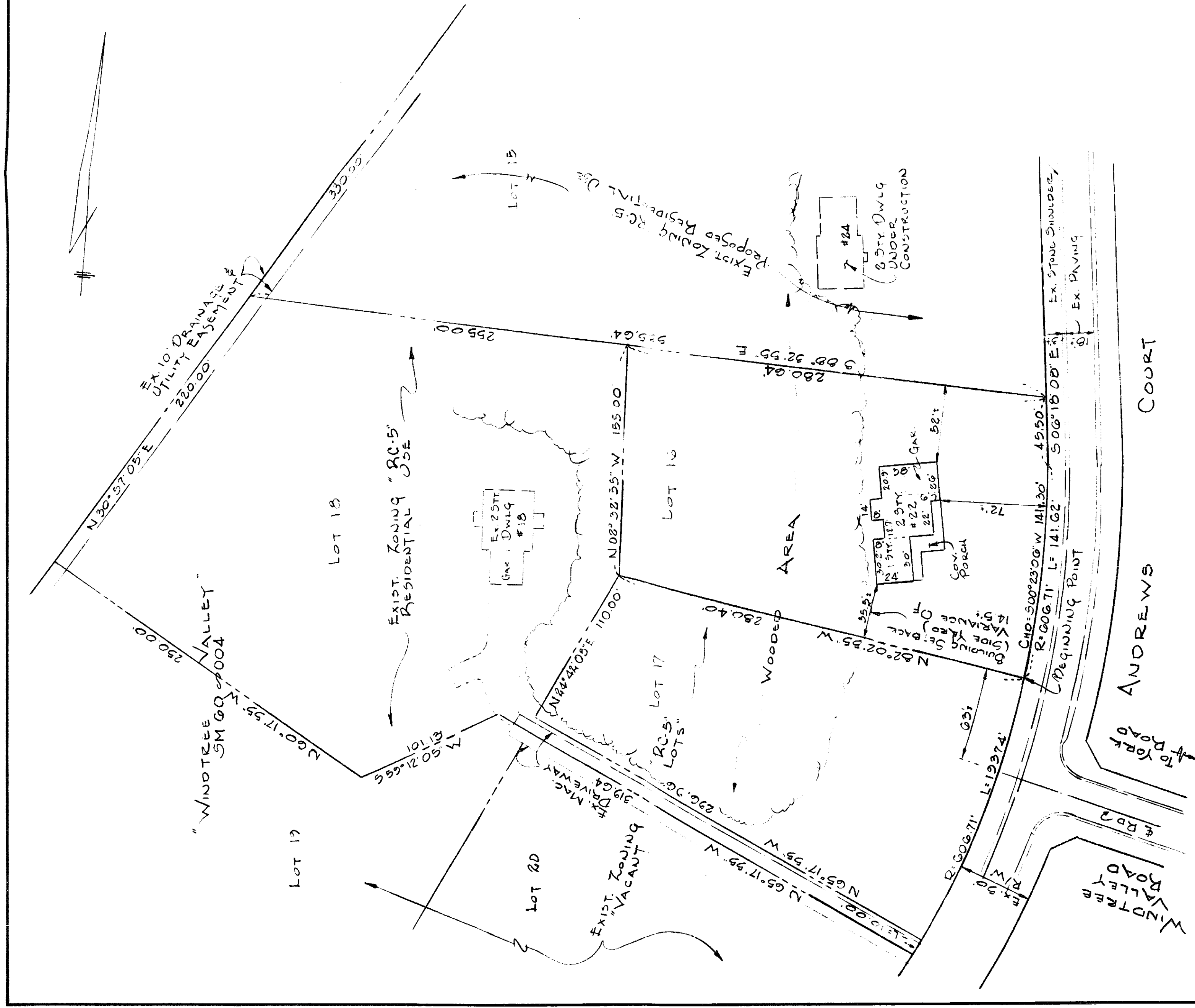
On May 22, 1991, Joseph Wesolowski contracted me to build his house on Lot 16 Windtree Valley, located at 22 Andrews Court, in Baltimore County, Parkton, MD. When Mr. Wesolowski and I met at the property to stake out the house for excavating the foundation, he asked me if we could turn the house differently than originally planned. Knowing that I was building in Baltimore County, I was under the impression that standard set-backs for side-line are 25 feet. So, I knew that we had ample room to move the house, as long as we made sure we were out of the septic area and that the front of the house has enough frontage. I agreed to moving the house to his satisfaction. At this time, I was totally unaware that the side-line set-back for this area of Baltimore County was 50 feet.

In the normal process of construction, I am set up on a draw schedule with the client's bank. Before I can get the first draw of money, I must have completed the foundation and the first floor deck. At this time, I contract a surveyor to acquire the Location Survey, to give to the bank. Having a seven man carpenter crew, and due to the recession, work has been very limited. We had progressed to having the roof on the house before the Location Survey came back alerting me of my mistake. I immediately contacted Mr. Newton Williams for legal counsel and KCI Technologies for the survey. Mr. Williams has since taken over the legal details of this matter.

I would like to say that there was never any intent on my part or the part of Mr. Wesolowski to defraud or take advantage of this situation. This mistake has cost me my profit, plus legal fees, and put my company in a very precarious position.

In the fifteen years that I have been in the home building business, I have had the highest regard for the state and county regulations and codes. I have never had a problem of any kind with any county inspectors or offices, nor have I ever had a client file any type of grievance with a county or lawyer.





LOCATION MAP  
1"=200'

- GENERAL NOTES**
1. AREA OF LOT EQUALS 11094 ACRES (48,038 Sg Ft.)
  2. EXISTING ZONING OF LOT IS "RC-5"
  3. EXISTING USE OF LOT IS DWELLING (UNDER CONSTRUCTION)
  4. LOT HAS A PRIVATE WELL & SEPTIC SYSTEM
  5. LOT HAS A PRIVATE WELL & SEPTIC SYSTEM
  6. LOT HAS A PRIVATE WELL & SEPTIC SYSTEM
  7. LOT HAS A PRIVATE WELL & SEPTIC SYSTEM
  8. LOT HAS A PRIVATE WELL & SEPTIC SYSTEM
  9. LOT HAS A PRIVATE WELL & SEPTIC SYSTEM
  10. LOT HAS A PRIVATE WELL & SEPTIC SYSTEM
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92-100-A

#102

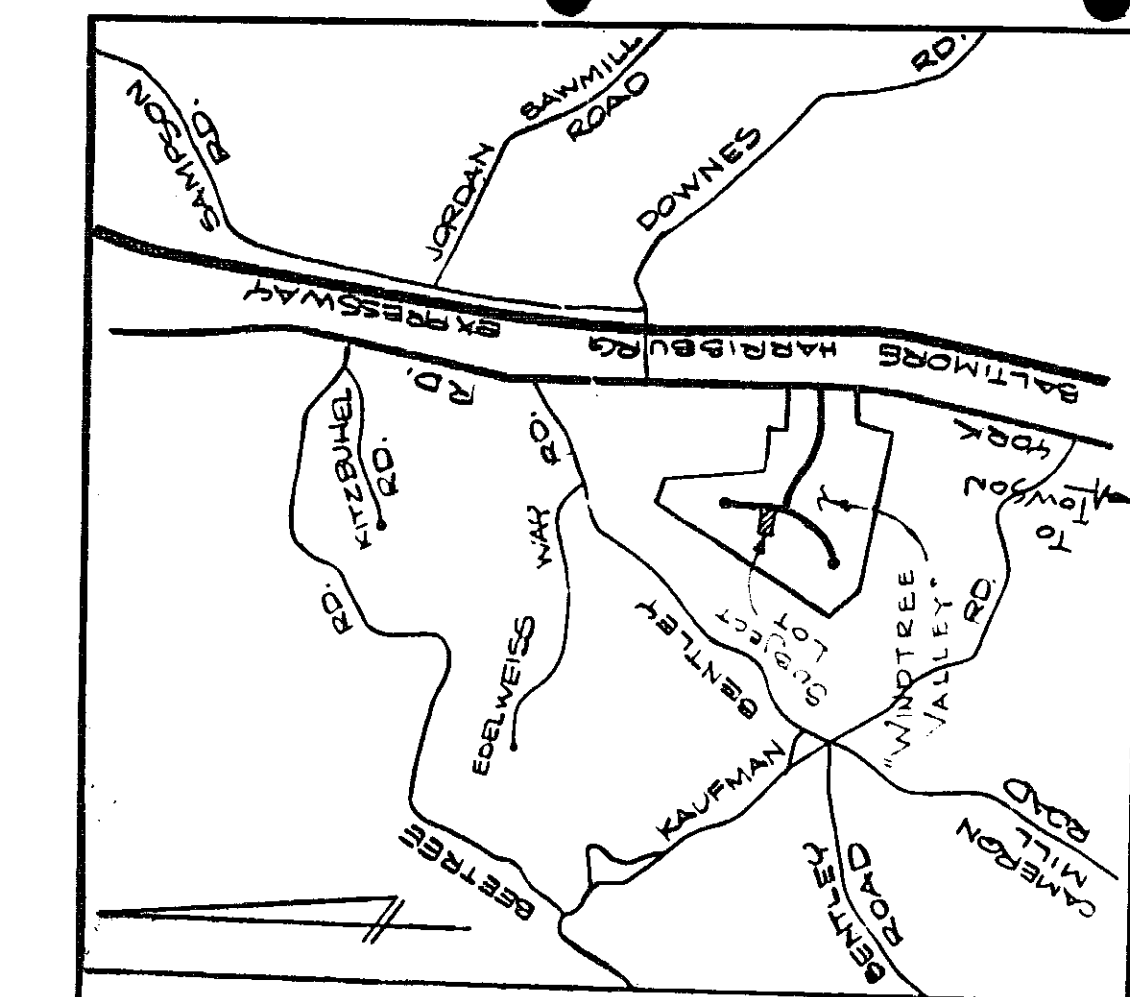
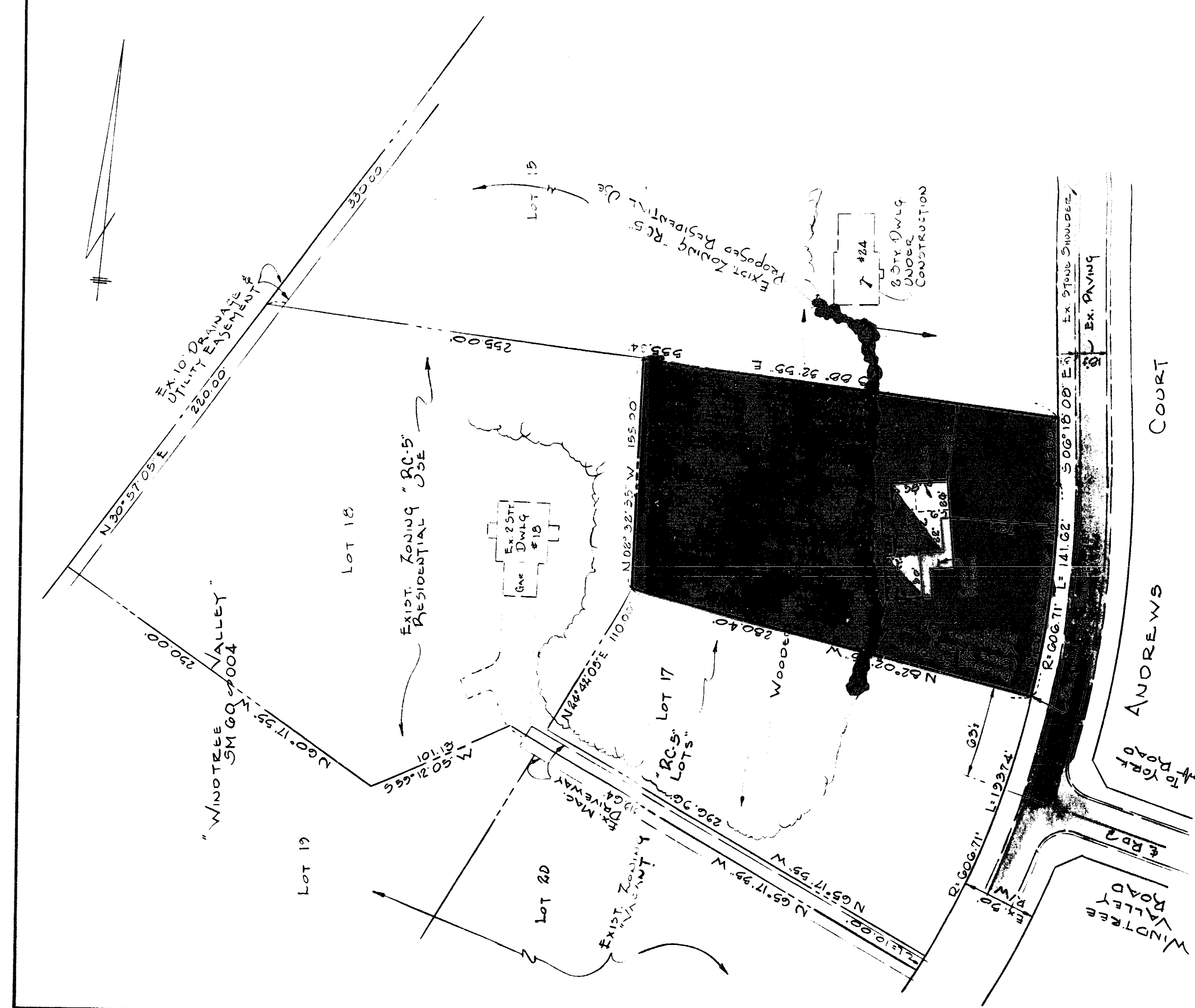
ELECTION DISTRICT NO. 3  
COMMUNIC DISTRICT NO. 3  
COUNTY TRACT 4083  
PLAT RECORDED MAR 20 1989  
PLAT REF. SM 60-004  
CEG REF. 88-05-004  
DEED REF. 88-05-004  
DEED REF. 88-05-004  
DEED REF. 88-05-004

PLAT TO ACCOMPANY PETITION  
FOR  
BUILDING TO PROPERTY LINE (SIDE YARD) VARIANCE  
22 ANDREWS COURT

**KCI** KCI TECHNOLOGIES INC.  
ENGINEERS • PLANNERS • SURVEYORS  
TECHNOLOGIES  
1200 W. WILSON ROAD, SUITE 100  
BALTIMORE, MARYLAND 21204-1500

DATE	REVISIONS	NO.

DATE OF SETTING



LOCATION MAP  
1"=200'

- GENERAL NOTES**
1. AREA OF LOT EQUALS 11094 ACRES (48,038 Sg Ft.)
  2. EXISTING ZONING OF LOT IS "RC-5"
  3. EXISTING USE OF LOT IS DWELLING (UNDER CONSTRUCTION)
  4. LOT HAS A PRIVATE WELL & SEPTIC SYSTEM
  5. LOT HAS A PRIVATE WELL & SEPTIC SYSTEM
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